# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In Re Application of: | ) |
| | ) Confirmation No: 5961 |
| Ullas Gargi | ) |
| | ) Group Art Unit: 2621 |
| Serial No.: 10/803,252 | ) |
| | ) Examiner: Dang, Hung Q. |
| Filed: March 17, 2004 | ) |
| | ) Atty Docket No.: 200300480-1 |
| For: **Variable Speed Video Playback** | ) |

## REPLY BRIEF RESPONSIVE TO EXAMINER'S ANSWER

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner's Answer mailed October 30, 2008 has been carefully considered. In response thereto, please consider the following remarks.

## AUTHORIZATION TO DEBIT ACCOUNT

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 08-2025.

## I.  Status of Claims

Claims 1-45 remain pending in the present application.  The Examiner has provided additional comments in the Examiner's Answer regarding the rejection of the pending claims.  However, the Examiner fundamentally maintains the same substantive responses to arguments contained in Appellants' Appeal Brief as were provided in the Final Office Action mailed April 9, 2008 (the "Final Office Action").  Accordingly, Appellants reiterate the arguments set forth in the Appeal Brief.  With regard to the substantive remarks of the Examiner's Answer, Appellants respectfully disagree and will reemphasize the fundamental misunderstanding of the pending claims set forth in the Final Office Action and the Examiner's Answer.  Appellants continue to repeat, re-allege, and incorporate by reference the positions and arguments set forth in the Appeal Brief.

## II.  Grounds of Rejection to be Reviewed on Appeal

The grounds of rejection to be reviewed on appeal are whether claims 1-5, 7-18, 20-35 are patentable under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Jojic* (U.S. Patent No. 7,152,209) in view of *Amir* (U.S. Patent No. 6,907,570).

## III.  Arguments

Appellants wish to note that the Examiner's Answer, like the Final Office Action, reflects a fundamental misunderstanding of the elements of the pending claims as well as a misapplication of the cited art to the claims.  Therefore, Appellants wish to again

clarify the distinction between the pending claims and the cited art as applied to the

pending claims by the Examiner's Answer and the Final Office Action. Accordingly,

Appellants address selected responses in the following.

Claims 1-5, 7-18, 20-35, and 37-45 have been rejected under 35 U.S.C. § 103(a)

as allegedly being unpatentable over *Jojic* (U.S. Patent No. 7,152,209) in view of *Amir*

(U.S. Patent No. 6,907,570). The Final Office Action issued April 9, 2008 acknowledges

that *Jojic* fails to disclose at least the claim element of "adjusting including reversing said

variable playback speed based on said user input." However, the Final Office Action

erroneously applies the *Amir* reference to the pending claims by alleging the following with

reference to claim 1:

> Amir et al. disclose reversing a variable playback speed (column 6, line 66-
> column 7, line 4).
>
> One of ordinary skill in the art would have been motivated to incorporate the
> reversing the variable playback speed disclosed by Amir et al. into the
> adjusting step disclosed by Jojic et al. in order to enhance the user interface
> of the method because *if user wants to view backward, he or she
> doesn't have to start over from the beginning but instead it can be
> conducted at the current point*.

Final Office Action, page 3, (*Emphasis added*). In addition, the Examiner's answer

alleges the following with reference to claim 1:

> [T]he Examiner strongly believes incorporating a very well known feature
> that is also very easily and commonly implemented such as "reverse
> playback" into the core teachings of JOJIC and implementing the methods
> disclosed and taught therein by JOJIC with such an incorporated feature is
> nothing else but obvious and well motivated because the same calculations
> taught by JOJIC can be implemented to allow users, *if he or she
> mistakenly missed an interesting segment on the view or just wants to
> come back two or three previous segments for a second look, to go in
> the reverse direction and quickly identify the desired segment instead
> of going all the way to the beginning of the video stream*.

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Examiner's Answer, page 13-14, (*Emphasis added*).

Appellants have excerpted applicable portions of the Final Office Action and the Examiner's Answer above in order to emphasize the misapplication of the cited art to the pending claims as well as the fundamental misunderstanding by the Examiner of certain claim elements. As noted in Appellants Appeal Brief, the instant specification further clarifies the claim element of claim 1 that recites ***"adjusting including reversing said variable playback speed based on said user input."*** Page 13 of the instant specification recites:

> In an exemplary implementation, a user may have control to partially or completely reverse the default variable playback speeds. ***For example, the user may slow down segments of the digital video having a low score and/or speed up segments having a high score.***

Specification, page 13 (*Emphasis added*). Accordingly, contrary to the interpretation of claim 1 by the Examiner, claim 1 does not recite viewing a video stream backwards or in a reverse direction. Rather, claim 1 recites ***reversing variable playback speed, which can include slowing down segments of video having a low score and/or speeding up segments having a high score***.

Therefore, the cited art is clearly different from the elements of claim 1, as claim 1 is directed to an entirely different mode of adjusting video playback. As such, one of ordinary skill in the art would not interpret *Amir's* backwards playback to read on the variable playback speed elements of claim 1. Thus, *Amir's* backwards playback is different from the variable playback elements of claim 1.

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For at least the reasons discussed above, Appellants respectfully submit that *Jojic* and *Amir* fail to show or suggest each of the elements of claim 1, such as, but not limited to, "**adjusting including reversing said variable playback speed based on said user input**" as recited in claim 1.  Therefore, Appellants respectfully request that the rejection of claim 1 be overturned.

Additionally, because claims 2-15 are dependent upon independent claim 1, Appellants respectfully request that the rejection of claims 2-15 be overturned. Independent claims 16, 31, and 33 include similar limitations as discussed above with reference to claim 1.  Thus, based on the above arguments with respect to claim 1, Appellants also request that the rejection of claims 16, 31, and 33 be overturned.  Claims 17-30, 32, and 34-45 are dependent upon claims 16, 31, and 33, respectively.  Based on the above foregoing regarding claims 16, 31, and 33, Appellants respectfully requests that the rejection of claims 17-30, 32, and 34-45 be overturned.

In summary, it is Appellants' position that Appellants' claims are patentable over the applied cited art reference and that the rejection of these claims should be overturned. Therefore, for the reasons presented herein and the reasons earlier presented in the Appeal Brief, the cited art is deficient in disclosing claimed features, and the arguments set forth in the Appeal Brief still stand. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Appellants' pending claims.

Respectfully submitted,

By: _____/arr/_____

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